

FILED 30 JAN '19 16:11 USDC-ORE

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

District of Oregon

Eugene Division

HAMID MICHAEL HEJAZI, ET AL,  
Individual, Class, Pro Se;

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MARK ESPER, Secretary, Department of the Army,  
the UNITED STATES DEPARTMENT OF THE  
ARMY, Agency, and U.S. EQUAL EMPLOYMENT  
OPOORTUNITY COMISSION, Agency.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 6:19-cv-00149-MK  
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>HAMID MICHAEL HEJAZI, ET AL (Individual, Class, Pro Se)</u>
Street Address	<u>General Delivery, 50 W 5<sup>th</sup> Avenue</u>
City and County	<u>Eugene, Lane County</u>
State and Zip Code	<u>Oregon, 97401</u>
Telephone Number	<u>(541) 579-2001</u>
E-mail Address	<u>michaelhejazi@gmail.com</u>

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	MARK ESPER
Job or Title <i>(if known)</i>	Secretary, Department of the Army
Street Address	101 Army Pentagon
City and County	Washington, Washington County, DC
State and Zip Code	District of Columbia, 20301-1000
Telephone Number	(703) 697-7589
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	UNITED STATES DEPARTMENT OF THE ARMY
Job or Title <i>(if known)</i>	
Street Address	1500 Defense Pentagon
City and County	Washington, Washington County, DC
State and Zip Code	District of Columbia, 20301
Telephone Number	(703) 697-7589
E-mail Address <i>(if known)</i>	

## Defendant No. 3

Name	U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Job or Title <i>(if known)</i>	
Street Address	131 M Street, NE
City and County	Washington, Washington County, DC
State and Zip Code	District of Columbia, 20507
Telephone Number	(202) 663-490
E-mail Address <i>(if known)</i>	

## Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

29 U.S. Code §791. Employment of individuals with disabilities., 5 U.S. Code §706. Scope of review., and U.S. Const. art. V and U.S. Const. art. XIV.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On or about August 9, 2017 the Oregon National Guard, the United States Department of the Army, the United States Department of Defence, discriminated against me unlawfully when they rejected my application for recruitment into the army as a full time medical officer on the basis of my having been diagnosed with Attention Deficite Hyperactivitiy Disorder (ADHD) after age 13, merely on paper, which, with or without accomodation, deemed me unfit unto itself, with no other evaluation of my fitness for the essential functions of the position for which I was applying, and as such 29 U.S. Code §791. Employment of individuals with disabilities. was violated, along with U.S. Const. art. V and U.S. Const. art. XIV. On October 31, 2018, the US Equal Employment Opportunity Commission finally and illegally rejected my complaint, Request No. 0520180570.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. \$50,000,000.00 in actual damages for lost wages, opportunities, injury to dignity and reputation, pain and suffering, wholesale social exclusion, civil rights violation, and segregation of a portion of the population;
2. Certiorari, reversing the dismissal of this matter before the Equal Employment Opportunity Commission;
3. Mandamus, declaratory injunction against unlawful discrimination by the United States Department of the Army, ordering compliance, and quashing all laws under the court's jurisdiction which controvene the same;
4. Any and all remedies deemed just and proper.

## V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/30/2019

Signature of Plaintiff

Printed Name of Plaintiff

HAMID MICHAEL HEJAZI, ET AL

### B. For Attorneys

Date of signing: 01/30/2019

Signature of Attorney

Printed Name of Attorney

Pro Se

Bar Number

Name of Law Firm

Street Address

General Delivery, 50 W 5<sup>th</sup> Avenue, Eugene

State and Zip Code

Oregon, 97401

Telephone Number

(541) 579-2001

E-mail Address

michaelhejazi@gmail.com